



Public Safety Officers' Benefits Program

Frequently Asked Questions

Q: Why do PSOB claims take so long?

A: PSOB claims involve complex legal issues and the Department of Justice is required to collect diverse facts and documents for each case. No two cases are alike and the PSOB office must ensure that all documents are collected and each case is carefully considered before a final determination is made. In addition, several claims require a thorough medical review by the Armed Forces Institute of Pathology which is an independent agency that specializes in pathology consultation.

In December 2003, the President signed into law the Hometown Heroes Survivors Benefits Act, which allowed certain eligible heart attacks and strokes to be considered line-of-duty injuries under the PSOB program. Because this new law changed the PSOB program significantly, the Department of Justice began a comprehensive review of the medical and legal considerations required to implement this new law. The new regulations became final on September 11, 2006.

With the completion of the new regulations and the continued refinement of the process for reviewing these new claims, the process continues to be streamlined as similar questions and considerations arise. In turn, claims submitted in upcoming months will experience, in general, a more expedited review.

Q: The Hometown Heroes Act passed in 2003; why did it take 3 years to implement the final regulations?

A: The major reason for the delay in implementing the Hometown Heroes Act is that, as enacted, the law contained a number of important items that were not defined, such as "competent medical evidence", "engaged in a situation", and "non-routine stressful or strenuous activity". Accordingly, the Department's Bureau of Justice Assistance (BJA), needed to consult with several sources in the medical and public safety fields, and consider the numerous public comments that were received on the proposed rule, in order to develop useful definitions that would facilitate full implementation of the Act. Additionally, because the Hometown Heroes Act creates a mechanism conceptually unlike anything else in the PSOB program, it was necessary to undertake a comprehensive, top-to-bottom revision of the entire structure of the PSOB implementing regulations to ensure that there was no conflict or confusion between the "regular" PSOB implementing provisions and those specifically implementing the Hometown Heroes Act. The Department took advantage of this opportunity also to update the nearly-thirty-years-old regulations to reflect programmatic changes effected by four other recent statutory enactments (Pub. Laws 106-390, 107-37, 107-56, 107-196).

OJP published the proposed Hometown Heroes regulations in the July 26, 2005 Federal Register, with a 60-day comment period. During the comment period, BJA received extensive comments from a number of interested parties, including national police and fire associations; municipal

police, fire, and rescue departments; PSOB hearing officers; survivors of fallen public safety officers; and individual concerned citizens. In addition, BJA consulted the Armed Forces Institute of Pathology and other experts knowledgeable in the field of cardiovascular disease and work-life-related diseases and afflictions. BJA carefully reviewed and analyzed all the information, and made many substantive changes to the proposed regulations as a result.

The new PSOB regulations, including the provisions that implement the Hometown Heroes Act, were published in the Federal Register on August 10, 2006. The final regulations went into effect on September 11, 2006.

Since that date, all claims submitted under the Hometown Heroes Survivors Benefits Act to date have been reviewed and are being processed for claim resolution.

Q: What is the Armed Forces Institute of Pathology (AFIP)?

A: AFIP is a tri-service agency of the Department of Defense specializing in pathology consultation, education and research. The Department of Justice depends on their medical expertise and independent analysis for all PSOB claims requiring medical review.

Q: Why do claimants have to provide 10 years of medical documents for claims considered under the Hometown Heroes Act?

A: The PSOB office requests ten years of medical records so that AFIP can make a competent medical decision. Ten years of medical records provides an opportunity to present a more complete picture and the “long view” of the decedent’s medical history and any efforts they were making to address the risks associated with any medical conditions. It is important to note that public safety agencies are asked to submit the past ten years of medical records for the fallen officer or however many years of medical records (up to 10) that may be available. No claim submitted is denied consideration based on the availability of ten years of medical records.

Q: Why were claimants asked to submit 3 years of medical records and then 10 years?

A: Prior to the new PSOB regulations being enacted at the end of 2006, three years of medical records were requested for claims submitted so that agencies and survivors could submit at least some evidence prior to the regulations being finalized. Medical experts from AFIP subsequently discussed and agreed that 10 years of medical records would provide physicians with the information required to proficiently review claims according to the new law and regulations.

Q: How long does it take for a claim to be processed start to finish?

A: The Department continues to work to ensure that all claims are processed in a timely, efficient, and compassionate manner. BJA is currently working towards the goal of processing claims within 90 days of receiving all necessary information. Toward this goal, the PSOB online reporting system was made available for agencies and survivors to submit claims for death benefits in May 2006. In addition, we are continuing to explore new strategies to process all claims more efficiently. A new case management system and database is scheduled to be implemented in 2007.

Just as public safety agencies, officers, and survivors are unique, PSOB claims are unique and require different levels of review and outreach to process to their conclusion. With the completion of the Hometown Heroes regulations and the continued refinement of the process for reviewing these new claims, the process continues to be streamlined as similar questions and considerations arise. In turn, claims submitted in upcoming months will experience, in general, a more expedited review.

Q: What happens if a claim is denied?

A: If a claimant believes that a denial has been made in error, they may wish to pursue the claim further. The claimant may file a request for a Hearing Officer determination within 33 days of the postmarked date of their denial letter. In some cases, the claimant may also move for reconsideration of the negative finding.

It is important to emphasize that a PSOB Office Determination is based on a review of the information initially submitted to the PSOB Office by claimants and decedents' employing agencies, and is not necessarily the final word on the claim. The PSOB regulations provide two levels of *de novo* administrative appeal for a claimant who wishes to seek relief from the denial of a claim in a PSOB Office Determination. At each level, a claimant may provide any additional evidence and legal argument in support of the claim.



Public Safety Officers' Benefits Program "Hometown Heroes" Fact Sheet

- OJP's Bureau of Justice Assistance is the agency responsible for administering the PSOB program. Our mission is to aid and assist public safety officers, their families, and their agencies throughout times of tragedy.
- On December 15, 2003, the Hometown Heroes Survivors Benefits Act expanded the circumstances under which public safety officer deaths resulting from heart attacks and strokes may be covered by the PSOB Act.
- This law created an entirely new area of eligibility under the PSOB program and it required significant implementing regulations.
- OJP consulted with several sources in the medical and public safety fields during the notice and comment period on the proposed rule in order to facilitate full implementation of the Act.
- During the comment period, we received extensive comments from a number of interested parties, such as the Fraternal Order of Police; the International Association of Fire Fighters; Concerns of Police Survivors; and other national police and fire associations; municipal police, fire, and rescue departments; PSOB hearing officers; survivors of fallen public safety officers; and individual concerned citizens.
- In addition, we consulted extensively with the Armed Forces Institute of Pathology (AFIP) and other experts knowledgeable in the field of cardiovascular disease and work-life-related diseases and afflictions.
- OJP carefully reviewed and analyzed all the information, and made many substantive changes to the proposed regulations as a result.
- These regulations, as well as updated regulations for the entire PSOB Program, became effective on September 11, 2006.
- As written, the Hometown Heroes Survivors Benefit Act established that when a public safety officer dies as the direct result of heart attack or stroke under certain line-of-duty circumstances, his death is presumed to have occurred as a result of his job, unless there is "competent medical evidence" indicating otherwise.
- In our experience in most heart attack- or stroke-related cases, it is likely that decedents' medical records will show that they had heart disease and a number of high risk factors for heart attack or stroke.

- Arguably, medical evidence of such conditions in an individual could constitute “competent medical evidence” that the public safety officer’s health conditions alone caused the heart attack or stroke.
- In order to avoid this result, we developed regulations that provided a more relaxed understanding of “competent medical evidence to the contrary” (as suggested by national public safety officer organizations in their comments on the proposed regulations).
- With the completion of the new regulations and our continued refinement of the review process, Hometown Heroes claims submitted in upcoming months will experience, in general, a more expedited review.
- The Department continues to work to ensure that all claims are processed in a timely, efficient, and compassionate manner. BJA is currently working towards the goal of processing claims within 90 days of receiving all necessary information.
- Toward this goal, the PSOB online reporting system was made available for agencies and survivors to submit claims for death benefits in May 2006.
- In addition, we are continuing to explore new strategies to process all claims more efficiently. A new case management system and database is scheduled to be implemented in 2007.